

EXHIBIT D

EXHIBIT D

In the Matter Of:

LEWIS vs TITLEMAX OF TEXAS

6:19-cv-00630-ADA-JCM

RYAN ALLEN MEDINA

October 14, 2020



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RYAN ALLEN MEDINA
LEWIS vs TITLEMAX OF TEXAS

October 14, 2020

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

TALEISHA LEWIS,)
)
Plaintiff,)
)
VS.) Civil Action No. 6:19-cv-00630-ADA-JCM
)
TITLEMAX OF TEXAS, INC.,)
IVY FUNDING LLC; PLATE)
RECON, LLC, D/B/A PLATE)
LOCATE, AND FCAR, LLC,)
D/B/A FIRST CALL AUTO)
RECOVERY & TOWING,)
)
Defendants.)

ORAL DEPOSITION
OF
RYAN MEDINA

ANSWERS AND ORAL DEPOSITION OF RYAN MEDINA

produced as a witness in the above-styled and numbered cause on
the 14th day of October, 2020, at 12:00 p.m. before Mary A.
Cantrell, Certified Shorthand Reporter in and for the State of
Texas, for Esquire Deposition Solutions, 1700 Pacific Avenue,
Suite 1000, Dallas, County of Dallas, State of Texas, in
accordance with the Notice and pursuant to the Federal Rules of
Civil Procedure.

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1 A. I think at the most was around 23 to 24 employees.

2 Q. Okay. So forgive me for not knowing much about Plate
3 Locate. What -- what exactly was Plate Locate?

4 A. Plate Locate was a forwarder which is a middle man, a
5 subcontracted company, that assists financial institutions to
6 subcontract out the repossession to a repossession vendor to
7 recover collateral.

8 Q. Okay. And so was that the primary purpose of -- of
9 Plate Locate's business to act as a forwarder?

10 A. Yes.

11 MS. DEMAREE: Object to form.

12 Q. (By Mr. Gill) Okay. So the primary purpose of Plate
13 Locate's business at the time that you were working with Plate
14 Locate was to act as a forwarder for -- for banks?

15 MS. DEMAREE: Object to form.

16 Q. (By Mr. Gill) Answer please.

17 A. Yes.

18 Q. Okay. And so in acting as a forwarder for financial
19 institutions what did that entail?

20 A. The financial institution -- institution would give
21 us a repossession assignment and we would then subcontract it
22 out to a repossession company who would physically recover the
23 vehicle. We would then take the information and transfer it
24 back to the client and handle that process.

25 Q. So Plate would get assigned to accomplish the

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1 A. Correct.

2 Q. Okay. Let's look at Exhibit E then and -- just so we
3 -- we're all on the same page of what this is. What is this
4 document that we're looking at in Exhibit E?

5 A. Exhibit E is an audit trail to show what has happened
6 with the assignment.

7 Q. Okay. And where -- where does it say on here when
8 the vehicle was placed -- or when TitleMax hired Plate to
9 accomplish the repossession?

10 MS. DEMAREE: Object to form.

11 A. Bear with me. I believe it shows on July 25th, 2019,
12 at the bottom of the trail and it says assignment assigned by
13 JG, assignment added by JG.

14 Q. (By Mr. Gill) Okay. So the very bottom of the audit
15 trail it says -- there's a line that says: 7/25/2019, 4:56:35
16 a.m., assignment assigned by JG; is that what you're referring
17 to?

18 A. Correct.

19 Q. So this was placed with Plate Locate for repossession
20 on 7/25/2019 at 4:56 a.m.?

21 A. Yes, that is what the audit history shows of when the
22 assignment was claimed.

23 Q. Okay. When you say "the assignment was claimed" what
24 does that mean?

25 A. So financial institutions would give us a hot list of

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1 vehicles. The hot list would mean that it was on a camera
2 system to scan it. Once we scan the vehicle, we can then claim
3 the assignment and mark it repossessed. So this would have
4 been when the vehicle was located and claimed.

5 Q. Okay. So let me make sure I'm understanding the hot
6 list. So -- so secured a party like TitleMax or a bank will
7 provide a hot list which is a list of vehicles they want
8 repossessed?

9 A. Right.

10 MS. DEMAREE: Object to form.

11 Q. (By Mr. Gill) Okay. So when you said hot list
12 earlier, that's a list of vehicles that -- that somebody wants
13 Plate Locate to repossess or to call to repossession for?

14 MS. DEMAREE: Object. Object to form. You can
15 respond, Ryan, when I object.

16 A. Yes.

17 Q. (By Mr. Gill) All right. In your own words, explain
18 to me what hot list is.

19 A. Hot list is a list of vehicles that are wanted for
20 repossession.

21 Q. Okay. And so what happens that triggers the
22 repossession of one of those hot list vehicles?

23 A. Once a vehicle is located an alert would pop up and
24 there would be instructions to claim the assignment so that it
25 could be repossessed.

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1 MS. DEMAREE: Object to form.

2 A. I don't know.

3 Q. (By Mr. Gill) In this instance though did Plate --
4 did Plate ask for title information regarding this vehicle?

5 MS. DEMAREE: Object to form.

6 A. To the best of my knowledge, no.

7 Q. (By Mr. Gill) Okay. Okay. I'd like to go ahead and
8 have a look at Exhibit C. Does everybody have Exhibit C?

9 A. Yes.

10 Q. Okay. It's -- it appears to be a contract between
11 TitleMax and Plate Locate; is that correct?

12 A. Yes.

13 Q. Okay. And so is there any other agreement other than
14 this that dictates what TitleMax has to provide you before
15 forwarding a vehicle for repossession?

16 A. I don't know.

17 Q. Okay. Fair enough. So let's move down to Number 1.
18 It says: Services. Do you see that?

19 A. Yes.

20 Q. Okay. And it looks like in this agreement vendor is
21 Plate Locate and TitleMax of Georgia is the company; is that
22 right?

23 A. Yes.

24 Q. But this is the contract that controls between Plate
25 Locate and the TitleMax that's being sued here, correct?

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1 A. Correct.

2 Q. Okay. So we go to services and if we look at that
3 section, nine lines down there is a sentence that starts
4 "Vendor agrees that all recovery services conducted for the
5 Company shall only be made by its agents and/or
6 representatives." Do you see that?

7 A. Vendor's agents -- can you repeat that one more time?

8 Q. The line that I am looking at is nine lines down and
9 it says, "Vendor agrees that all recovery services conducted
10 for the Company shall only be made by its agents
11 and/representatives."

12 A. Okay.

13 Q. Does that provision mean that the repossessions that
14 -- that Plate accomplishes via third parties like First Call
15 that this contract requires them to use only agents or their
16 own employees?

17 MS. DEMAREE: Object to form.

18 A. I don't know. Plate Locate only ever used
19 repossessions that contracted agents to repossess vehicles.

20 Q. (By Mr. Gill) Okay. Okay. Fair enough. Moving on
21 to the next line here after that. It says, "The Company shall
22 provide Vendor with a Recovery Order Form, or an assignment
23 through the Company's RMS." What is a recovery order form?

24 A. I believe we looked at it already. It is -- an
25 example is Exhibit B. It is -- essentially a repossession

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13 LOCATE, AND FCAR, LLC,)
14 D/B/A FIRST CALL AUTO)
15 RECOVERY & TOWING,)
16)
17 Defendants.)

REPORTER'S CERTIFICATION
DEPOSITION OF RYAN MEDINA
OCTOBER 14, 2020

13 I, Mary A. Cantrell, Certified Shorthand Reporter in and
14 for the State of Texas, hereby certify to the following:

15 That the witness, RYAN MEDINA, was duly sworn by the
16 officer and that the transcript of the oral deposition is a
17 true record of the testimony given by the witness;

18 That deposition transcript was submitted on _____ to
19 the witness or to the attorney for the witness for examination;

20 That if returned with signature, the original deposition
21 will be delivered to Mr. Jose Gill, Custodial Attorney;

22 That _____ is the deposition officer's charges to
23 the Plaintiff for preparing the original deposition transcript
24 and any copies of exhibits;

25 That the amount of time used by each party at the

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1 deposition is as follows:

2 Mr. Jose Gill: 55 minutes

3 Ms. Lindsay Demaree: 0 minutes

4 Mr. Mike Russell: 0 minutes

5 That pursuant to the information given to the deposition
6 officer at the time said testimony was taken, the following
7 includes all parties of record:

8 Mr. Jose Gill, Attorney for Plaintiff

9 Ms. Lindsay, Attorney for Defendants

10 Mr. Mike Russell, Attorney for Defendant

11 That a copy of this certificate was served on all parties
12 shown herein on _____ and filed with the Clerk.

13 I further certify that I am neither counsel for, related
14 to, nor employed by any of the parties or attorneys in the
15 action in which this proceeding was taken, and further that I
16 am not financially or otherwise interested in the outcome of
17 the action.

18 Certified to by me this the 29th day of October, 2020.

19 

20 MARY A. CANTRELL, CSR
21 Certified Shorthand Reporter
22 Within and for the State of Texas
23 Certification Number: 5083
24 Date of Expiration: 04/30/2022
25

EXHIBIT “E”



VIN, Last Name, Client Account# or RS File#



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HOME VENDOR MGMT OPEN ACCOUNTS REPORT SYSTEM MESSAGES SHOPPING CART ACCOUNTS FILE INFO
DEBTORS & ADDRESSES CLIENT/LOAN VEHICLE TRANSPORT/AUCTION TRACKER AGT/ADJ UPDATES NOTES AUDIT
LEDGER FORMS SKIP TRACE ACCOUNT FILES GENERAL RPT FINANCIAL RPT ACCOUNTING ADMIN COMPANY FILES
SECURE COMPANY FILES FAX STATUS VIN LOOKUPS SMS / 407 SHEET APPOINTMENTS SEARCH BY PHONE # ALPR MY
PREFERENCES LOGOUT [FAQ/HELP](#) [TRAINING VIDEOS](#) [Live Chat Online](#) [SWITCH TO NIGHT MODE](#) [Finance\]](#)

Debtor:	[REDACTED]	Agt/Adj:	FWD : [FIRST CALL AUTO RECOVERY & TOW]	Contact:	
Vehicle:	2007 Ford Five Hundred	Phone:	[REDACTED]	Phone:	
Region:	Region 23	District:	District 84	Store:	TITLEMAX OF
Number:	(912) 547-7344	Number:	(214) 558-9656	Number:	FORT WORTH
Email:	Timothy.Pearson@titlemax.com	Email:	Dickson.Sipemba@titlemax.com	Email:	TX #3 (817) 923-1128 tm-fortworth- tx3@titlemax.com

Comments (from assignment):

[Edit Comment](#)Notes by: **Company** **Client** **Agent/Adjuster**[New Update](#)[Print / Email / Fax](#)[Overdue Status Updates](#)

Date ▼	Note	Approval Date	Action
7/25/2019 11:40:37 AM	Account status change - Open => Recovered - F		
7/25/2019 11:36:50 AM	Account status change by Fwd Company- Open => Recovered - JG		
7/25/2019 11:36:43 AM	Account status change by Fwd Company- Open => Recovered - JG		
7/25/2019 11:36:22 AM	Account status change by Fwd Company- Open => - JG		

PlateLocate_LEWIS00042

CONFIDENTIAL

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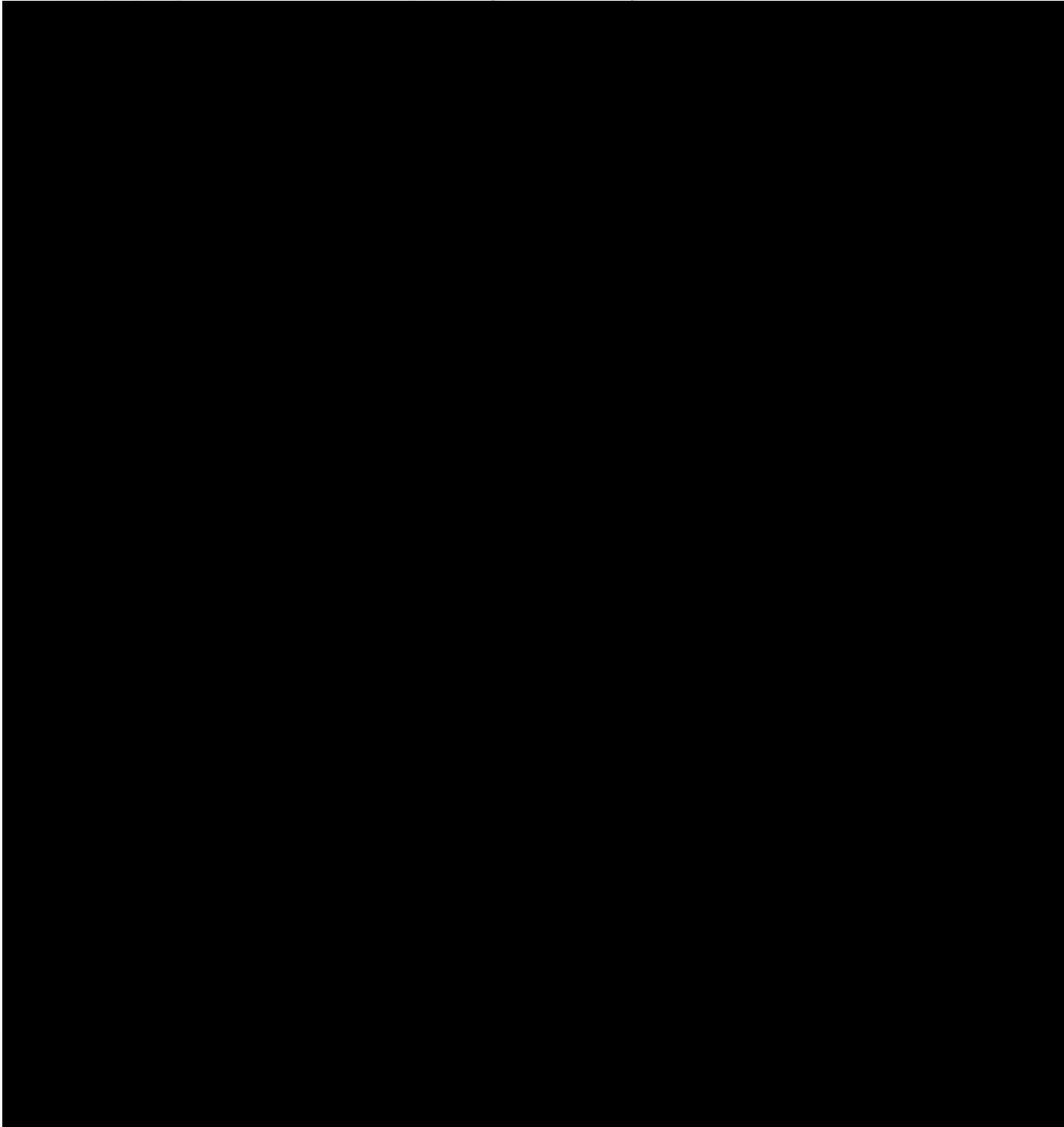
PlateLocate LEWIS00043

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EXHIBIT “C”

AGREEMENT FOR RECOVERY AND LOCATION SERVICES

THIS AGREEMENT FOR RECOVERY SERVICES (this "Agreement") is entered into this 15th day of June, 2018 by and between the TitleMax of Georgia, Inc. (the "Company"), whose corporate office is located at 15 Bull Street, Suite 200, Savannah, GA 31401, and, Plate Recon, LLC dba Plate Locate, a limited liability company, whose principal office is located at 23820 Lenze Road, Spring, TX 77389 ("Vendor"). Vendor and Company may be referred to individually as "Party" or collectively as "Parties."



14. **Relationship of the Parties.** Company and Vendor each acknowledge that they are independent contractors. Nothing in this Agreement will create any partnership, joint venture, agency, franchise, sales representative, or employment relationship between the Parties. No Party will have the authority to make or accept any offers or representations on the other Party's behalf.

IN WITNESS WHEREOF, the Parties hereby have caused their duly authorized representatives to enter into this Agreement effective as of the date first stated above.

COMPANY:

TitleMax of Georgia, Inc.

By: Name: Otto BielsTitle: President

VENDOR:

Plate Recon, LLC dba Plate Locate

By: Name: Jeremy GonskeTitle: CEO